

Recommendation: **GRANT PERMISSION**

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

Objection comments :

We would like to object to the planning amendment relating to the size and placement of the new window facing the rear of our property the objection relates to our substantial loss of privacy to our amenity with respect to living area and our garden as a result of the size, placement and two window openings providing a clear view into our property. (We have forwarded a picture via email to Case Officer clearly demonstrating this. the picture is a view from our living room).

We would therefore like to propose the original window size and placement is reinstated as the original agreed planning application the window is fitted with obscure glass with no openings this change will have no impact on light and will maintain our privacy and overlooking into our amenity. In terms of ventilation there are already several windows within the structure for this purpose.

Case Officer comment : Concerns raised have been considered however in this case there is not deemed to be substantial overlooking as a result of the window in question to justify a refusal on this basis . Please see Planning Considerations section below.

5 Planning Considerations

- 5.1 As detailed in paragraph 3.1 above, this application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.
- 5.2 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Principle of development
 - (ii) Appropriateness of design and impact on the character of the area
 - (iii) Effect on neighbouring properties

(i) Principle of development

- 5.3 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development control criteria.

(ii) Appropriateness of design and impact on the character of the area

- 5.4 This proposal seeks to alter APP/21/00631 by amending the rear elevation window size and position. The proposed alteration to the window is deemed to be acceptable in terms of impact on the character of the area.
- 5.5 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 5.6 The window would be obscure glazed, and whilst it is opening on a side hinge, is not judged to result in harmful overlooking to the property to the rear due to the existing screening of the fence, obscure glazing and ground floor level siting. The back to back separation distance between the window and the rear wall/patio area of the property to the rear (south west) would be approximately 20 metres which is judged to be an acceptable separation distance.
- 5.7 The proposed change is relatively modest and it is considered it is unlikely to lead to an adverse impact to neighbouring properties and can therefore be considered as non-material.

6 Conclusion

- 6.1 Overall, the proposed alterations are not considered to result in a material change to the extant planning permission and the changes are recommended for approval.

7 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00868

subject to the following conditions

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

01 REV D Proposed plans uploaded on the 21.09.2021

Reason: - To ensure provision of a satisfactory development.

